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PATENT

Attorney Docket No: 28384/36668

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Mandelkow, et al.) I hereby certify that this paper is being
Application Serial No. 09/640,737) deposited with the United States Postal
Filed: August 17, 2000) Service as First Class mail, postage
For: Novel Tools for the Diagnosis) prepaid, in an envelope addressed to:
and Treatment of Alzheimer's Disease) Commissioner for Patents, Washington,
Group Art Unit: 1645) D.C. 20231, on June 14, 2001.
Examiner: P. Duffy, Ph.D.)
Joseph A. Williams, Jr., Reg. No. 38,659

APPLICANTS' RESPONSE TO A RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, DC 20231

Sir:

In response to a restriction requirement mailed March 3, 2001, Applicants herein elect claims 17 through 21 (designated as group V by the Examiner) for continued prosecution with traverse in part.

The Applicants submit that claims in Groups V-XIII recite subject matter related to diagnosis of Alzheimer's disease and therefore are not directed to distinct and independent inventions. Moreover, search and examination of these all of these "groups" would not place an undue burden on the Examiner as evidenced by the fact that (i) the end result of the recited methods (regardless of the tool used in the methods) is the diagnosis of the same disease state, and (ii) despite the Examiner's assertion that the claims embrace distinct inventions, the Examiner classified each group in Class 435, subclasses 7.1, 15, and 21. Because each of these subclasses would have to be searched regardless of the election made herein, it would not be a burden to search these subclasses for each aspect of the claimed methods which the Examiner purports to be distinct. Accordingly, the Applicants request that the restriction requirement be withdrawn in part.

Respectfully submitted,

MARSHALL, O'TOOLE, GERSTEIN,
MURRAY & BORUN

By

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